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Notice of Allowability	Application No.	Applicant(s)	
	10/520,042	SUN ET AL.	
	Examiner	Art Unit	
	Tiffany A. Fetzner	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/17/2006.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Comment

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The **examiner** and the **Official Draftsperson** have **approved** the **Replacement Formal drawings** submitted **July 17th 2006**. [See the attached PTO 948 form of the Official Draftsperson's Review.]

Response to 37 CFR Rule 1.132 Declaration

3. The **Declaration** under **37 CFR 1.132** filed **July 17th 2006** is sufficient to overcome the rejection of **claims 1-2** based upon the **Son Yu et al.**, Japanese article "Dielectric Loss in C₆₀ Films Observed by Direct Coupling with Electromagnetic Fields" Kyushu Institute of Technology **March 2002**, Vol. 49, No. 2, page 582. (Under the document identifier **29p-YL-17 0226** on page -582-).

The following is an examiner's statement of **Reasons for Allowance**:

4. With respect to **Independent Claim 1**, **"A method for measuring the molecular rotation speed of a fullerene or a fullerene derivative which comprises having a thin film of the fullerene or the fullerene derivative absorb an electromagnetic wave varied in frequency, and measuring the change in electromagnetic wave intensity against temperature, thereby determining the molecular rotation speed of the fullerene or the fullerene derivative from the frequency of the electromagnetic wave at a temperature where there is an abrupt change in the electromagnetic wave intensity from the absorption region to the non-absorption region."** This claim is considered to be allowable over the **prior art of record**, because the **prior art of record** fails to teach suggest or show, the entire combination of each of the limitations, set forth in this claim. It is the entire claim taken as a whole, which constitutes the novelty, and nonobviousness of applicant's method. The examiner notes that the tangible, concrete and useful result for applicant's method is the **"determined**

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molecular rotation speed of the fullerene or the fullerene derivative from the frequency of the electromagnetic wave at a temperature where there is an abrupt change in the electromagnetic wave intensity from the absorption region to the non-absorption region”.

5. With respect to **Claim 2**, this claim is considered to be allowable over the **prior art of record** because it depends from **allowable independent claim 1**.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Prior art of Record

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Son Yu et al., Japanese article "Dielectric Loss in C₆₀ Films Observed by Direct Coupling with Electromagnetic Fields" Kyushu Institute of Technology **March 2002**, Vol. 49, No. 2, page 582. (Under the document identifier **29p-YL-17 0226** on page –582-). The examiner notes that this article was published in March of 2002 and applicant's earliest effective priority date, is July 12th 2002. This **Son Yu et al.**, article is also listed as an “**X**” document on applicant's Japanese international search report, and provides four authors (i.e. Y, **Sun**, K. **Kirimoto**, Y. **Yamasaki**, and T. **Miyasato**). The instant application has only two inventors: (i.e. Y, **Sun**, and T. **Miyasato**). However, because the **July 17th 2006 Declaration** under **37 CFR 1.132** is sufficient to disqualify the article as prior art by establishing the article as applicant's own work, that was published less than one-year before applicant's earliest effective filing date. The **Son Yu et al.**, is not considered to be prior art against the claims of the instant application.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is: (571) 272-2241. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached at (571) 272-2245. The **only official fax phone number** for the organization where this application or proceeding is assigned is **(571) 273-8300**.

10. Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAF
July 28, 2006



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800